

August 2001

ELIZABETH WARREN

Leo Gottlieb Professor of Law
Harvard Law School

Academic Appointments

Harvard Law School. 1995-present: Leo Gottlieb Professor of Law; 1992-93: Robert Braucher Visiting Professor of Commercial Law.

The University of Pennsylvania Law School. 1990-1995: William A Schnader Professor of Commercial Law; 1987-1990: Professor of Law.

The University of Texas School of Law. 1986-87: Jay H. Brown Centennial Fellow in Law; 1983-1987: Professor of Law. 1985-86: Conoco Faculty Fellow in Law; 1981-82: Visiting Associate Professor of Law.

The University of Texas at Austin. 1983-87: Research Associate, Population Research Center.

The University of Houston Law Center. 1981-83: Associate Professor of Law; 1978-80: Assistant Professor of Law; 1980-81: Associate Dean for Academic Affairs.

The University of Michigan. 1985: Visiting Professor of Law.

Rutgers School of Law (Newark). 1977-78: Lecturer in Law.

Teaching Fields

Contracts, Secured Lending, Bankruptcy, Payment Systems, Commercial Paper, Regulated Industries, Corporations, Partnerships, Banking Regulation.

Education

J.D. RutgersBNewark, 1976
B.S. University of Houston, 1970

Publications

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Books

BANKRUPTCY AND REVISED ARTICLE 9 (Aspen Law & Business 2001).

(With Sullivan and Westbrook) THE FRAGILE MIDDLE CLASS: AMERICANS IN DEBT (Yale University Press 2000).

(With Westbrook) THE LAW OF DEBTORS AND CREDITORS (Little, Brown & Co. 1986). SUPPLEMENT TO THE LAW OF DEBTORS AND CREDITORS (1990). THE LAW OF DEBTORS AND CREDITORS (Little, Brown & Co. 2d ed. 1991, 2nd ed. 1991, Aspen 3rd ed. 1996, 4th ed. 2001).

(With Westbrook) TEACHERS MANUAL, THE LAW OF DEBTORS AND CREDITORS (Little, Brown & Co. 1986, 2nd ed. 1991, Aspen 3rd ed. 1996, 4th ed. 2001).

(With LoPucki) SECURED TRANSACTIONS: A SYSTEMS APPROACH (Little, Brown & Co. 1995, Aspen 2d. Ed. 1998, 3d ed. 2000).

(With LoPucki) TEACHERS MANUAL, SECURED TRANSACTIONS: A SYSTEMS APPROACH (Little, Brown & Co. 1995, Aspen 2d. ed. 1998, 3d. ed. 1998, 3d. ed. 2000).

(With LoPucki, Keating, Mann) COMMERCIAL LAW: A SYSTEMS APPROACH (Little, Brown & Co. 1998).

(With LoPucki, Keating, Mann) TEACHERS MANUAL, COMMERCIAL LAW: A SYSTEMS APPROACH (Little Brown & Co. 1998).

REPORT OF THE NATIONAL BANKRUPTCY REVIEW COMMISSION (Reporter) (October 20, 1997).

BUSINESS BANKRUPTCY (Federal Judicial Center 1993).

(With Sullivan and Westbrook) AS WE FORGIVE OUR DEBTORS: CONSUMER CREDIT AND BANKRUPTCY IN AMERICA (Oxford University Press 1989).

Book Chapters

Evaluate the Present and Shape the Future, in THE DEVELOPMENT OF BANKRUPTCY & REORGANIZATION LAW IN THE COURTS OF THE SECOND CIRCUIT OF THE UNITED STATES (Matthew Bender 1995).

(With Sullivan and Westbrook) *Bankruptcy and the Family*, in FAMILIES AND LAW (L. MacIntyre, M. Sussman eds. Haworth Press 1995).

Reports

(With Sullivan and Westbrook) FINANCIAL DIFFICULTIES OF SMALL BUSINESSES AND REASONS FOR THEIR FAILURES (Small Business Administration) (September 1998).

Academic Journals

(With Sullivan and Westbrook) A Une Prospérité Précaire Sur les situations financières critiques dans la classe moyenne, @ 138 Actes de la Recherche en Sciences Sociales 19-33 (Juin 2001) (abstracts in French, English, German, and Spanish).

(With Jacoby and Sullivan) *Rethinking the Debates over Health Care Financing: Evidence from the Bankruptcy Courts*, 76 NEW YORK UNIVERSITY LAW REVIEW 375 (2001).

(With Jacoby and Sullivan) *Medical Problems and Bankruptcy Filings*, NORTON BANKRUPTCY LAW ADVISOR 1 (May 2000).

(With Westbrook) *Financial Characteristics of Businesses in Bankruptcy*, 73 AMERICAN BANKRUPTCY LAW JOURNAL 499 (1999).

The Changing Politics of American Bankruptcy Reform, 37 OSGOODE HALL LAW JOURNAL 189 (Symposium Spring/Summer 1999).

(With Sullivan) *The Changing Demographics of Bankruptcy*, NORTON BANKRUPTCY LAW ADVISOR 1 (October 1999).

(With Sullivan) *More Women in Bankruptcy*, American Bankruptcy Institute Journal (July 30, 1999).

(With Sullivan) *Women in Bankruptcy*, American Bankruptcy Institute Journal (July 13, 1999).

(With Westbrook) *The Business Bankruptcy Project: The Work in Progress*, 72 NATIONAL CONFERENCE OF BANKRUPTCY JUDGES 2.3 (1998).

The Bankruptcy Crisis, 73 INDIANA LAW JOURNAL 1079 (Harris Lecture) (1998).

(With Sullivan and Westbrook) *From Golden Years to Bankrupt Years*, NORTON BANKRUPTCY LAW ADVISOR 1 (July 1998).

Making Policy with Imperfect Information: The Article 9 Full Priority Debates, 82 CORNELL LAW REVIEW 101 (1998).

A Principled Approach to Consumer Bankruptcy, 71 AMERICAN BANKRUPTCY LAW JOURNAL 483 (1997).

Academic Journals, cont.

(With Sullivan and Westbrook) *America=s Consumer Bankruptcy Dichotomy: A Study of Alleged Abuse and Local Legal Culture*, 20 JOURNAL OF CONSUMER POLICY 223 (Ian Ramsey, ed., Great Britain).

A Basic Bankruptcy Concept for Consumer Bankruptcy, 51 CONSUMER FINANCE LAW QUARTERLY REPORT 3 (Winter 1997).

An Article 9 Set Aside for Unsecured Creditors, 51 CONSUMER FINANCE LAW QUARTERLY REPORT 323 (Fall 1997).

Article 9 Set Aside for Unsecured Creditors, UCC BULLETIN (1 October 1996).

(With Sullivan and Westbrook) *Bankruptcy and the Family*, 21 MARRIAGE & FAMILY REVIEW 193 (1995).

(With Westbrook) *Searching for Reorganization Realities*, 72 WASHINGTON UNIVERSITY LAW QUARTERLY 3001 (1994) (symposium issue).

(With Sullivan and Westbrook) *The Persistence of Local Legal Culture: Twenty Years of Evidence from the Bankruptcy Courts*, 17 HARVARD JOURNAL OF LAW & PUBLIC POLICY 801 (1994).

(With Sullivan and Westbrook) *Consumer Debtors Ten Years Later: A Financial Comparison of Consumer Bankrupts 1981-91*, 68 AMERICAN BANKRUPTCY LAW JOURNAL 121 (1994).

Further Reconsideration: A Comment on Baird=s Article 9 Reconsidered, 80 VIRGINIA LAW REVIEW 2301 (1994) (symposium issue).

Bankruptcy Policymaking in an Imperfect World, 92 MICHIGAN LAW REVIEW 336 (1992).

(With Sullivan and Westbrook) *Baby Boomers and the Bankruptcy Boom*, NORTON BANKRUPTCY LAW ADVISOR 1(April 1993).

The Untenable Case For Repeal of Chapter 11, 102 YALE LAW JOURNAL 437 (1992).

Why Have a Federal Bankruptcy System?, 77 CORNELL LAW REVIEW 2401 (1992).

A Theory of Absolute Priority, 1991 NEW YORK UNIVERSITY ANNUAL SURVEY OF AMERICAN LAW 9.

Academic Journals, cont.

Absolute Priority, New Value, and Theories of Bankruptcy, 1990 N.C.B.J. 1125 (1990).

(With Sullivan and Westbrook) *Laws, Models, and Real People*, 13 LAW AND SOCIAL INQUIRY 661 (1988).

Legal Realism: Commentary, 1988 NEW YORK UNIVERSITY ANNUAL SURVEY OF AMERICAN LAW 49 (1988).

Bankruptcy Policy, 54 UNIVERSITY OF CHICAGO LAW REVIEW 775 (1987); reprinted in CORPORATE BANKRUPTCY: ECONOMIC AND LEGAL PERSPECTIVES (Bhandari & Weiss, eds. Cambridge University Press (1994) and reprinted in *Company Law* (S. Wheeler, ed. Dartmouth Publishing United Kingdom 1993).

(With Sullivan and Westbrook) *The Role of Empirical Data in Formulating a National Bankruptcy Policy*, 50 LAW AND CONTEMPORARY PROBLEMS 195 (1987).

(With Sullivan and Westbrook) *Folklore and Facts: A Preliminary Report from The Consumer Bankruptcy Project*, 60 AMERICAN BANKRUPTCY LAW JOURNAL 293 (1986).

(With Sullivan and Westbrook) *Rejoinder: Limiting Access to Bankruptcy Discharge*, 1984 WISCONSIN LAW REVIEW 1087.

Reducing Bankruptcy Protection for Consumers: A Response, 72 GEORGETOWN LAW JOURNAL 1333 (1984).

(With Sullivan and Westbrook) *Limiting Access to Bankruptcy Discharge: An Analysis of the Creditors= Data*, 1983 WISCONSIN LAW REVIEW 1091.

Formal and Operative Rules Under Common Law and Code, 32 UCLA LAW REVIEW 898 (1983).

Trade Usage and Parties in the Trade: An Economic Rationale for an Inflexible Rule, 42 PITTSBURGH LAW REVIEW 515 (1982).

Regulated Industries= Automatic Cost of Service Adjustment Clauses: Do They Increase or Decrease Cost to the Consumer?, 55 NOTRE DAME LAWYER 333 (1980).

Tax Accounting in Regulated Industries: Limitations on Rate Base Exclusions, 31 RUTGERS LAW REVIEW 187 (1978).

Academic Journals, cont.

Busing ^BSupreme Court Restricts Equity Powers of District Courts to Order Interschool Busing, 28 RUTGERS LAW REVIEW 1225 (1975)(STUDENT WORK).

Other Publications

Anti-Women Bankruptcy Bill May Be Veto-Proof, Women=s Enews (December 14, 2000)

Commentary: Don=t Link Bankruptcy, Domestic Violence Bills, Women=s Enews (October 4, 2000)

*A*Homeowners in Bankruptcy: The Hidden Costs of Predatory Lending,[@] testimony before the Predatory Lending Joint Task Force of the Department of Housing and Urban Development, May 25, 2000.

Bankruptcy Reform Targets the Little Guy, Star Ledger, Perspectives (February 2, 2000).

The New Women=s Issue: Bankruptcy Law, Christian Science Monitor (September 10, 1999).

Bankrupt? Pay Your Child Support First, New York Times A19 (April 27, 1998).

*A*Bankruptcy Reform,[@] testimony before the Joint Hearing of the Subcommittee on Administrative Oversight and the courts and the Subcommittee of the Commercial and Administrative Law, March 11, 1999.

In Serious Jeopardy: Lies v. Unadulterated Statistics Muddle Bankruptcy Reform, Chicago Tribune 21 (March 19, 1998).

How I Write, 4 SCRIBES JOURNAL OF LEGAL WRITING 71 (Symposium Issue) (1994).

Chapter 11 Report, NATIONAL BANKRUPTCY CONFERENCES= CODE REVIEW PROJECT, REFORMING THE BANKRUPTCY CODE 265 (Reporter 1994).

*A*Consumer Credit Industry,[@] testimony before the House of Representatives Committee on Banking and Coinage, Subcommittee on Consumer Affairs, Hearings published in Congressional Record and Committee Hearings Report, September 10, 1992.

Small Business and Big Trouble, 2 TURNAROUNDS AND WORKOUTS 3 (Survey of Consumer Bankruptcies Issue) (July 15, 1992).

Other Publications, cont.

Bankruptcy is a Better Alternative, (opinion piece) NATIONAL LAW JOURNAL (April 20, 1992).

(With Sullivan and Westbrook) *What We Really Said About Chapter 13*, 5 NATIONAL ASSOCIATION OF CHAPTER 13 TRUSTEES QUARTERLY 18 (April, 1992).

AThe Bankruptcy Code and Individual Debtors,@ testimony before the Senate Judiciary Committee, Subcommittee on Courts and Administrative Practices, Hearings published in *Congressional Record and Committee Hearings Report*, July, 1991.

Book Review, *The Law of Letters of Credit: Commercial and Standby Credits*, 48 TEXAS BAR JOURNAL 216 (1985).

LENDING OFFICERS MANUAL (Revision) (for Texas Bankers Association 1984).

(With Sullivan and Westbrook) *Bankruptcy Judges and Bankruptcy Lawyers*, 79TH ANNUAL REPORT OF THE AMERICAN SOCIOLOGICAL ASSOCIATION (1984).

(With Sullivan and Westbrook) AConsumer Choices in Bankruptcy: Statutory Intentions and Statutory Consequences,@ listed as Funded Proposal #8310193, National Science Foundation Archives (1983) (published grant application).

(With Sullivan and Westbrook) *American Consumer Bankruptcy Law: Who is Served?*, 78th Annual Meeting of the American Sociological Association (1983).

Regulatory Lag Fallacy, 106 PUBLIC UTILITIES FORTNIGHTLY 15 (August 14, 1980).

Honors and Awards

Champion of Consumer Rights Award, National Association of Consumer Bankruptcy Attorneys, April 27, 2000

Scholarship Award, American College of Consumer Financial Services Lawyers (for THE FRAGILE MIDDLE CLASS), March 24, 2000

Outstanding Bankruptcy Academics, Turnarounds & Workouts (July 1999, July 2000)

Brown Award for Judicial Scholarship and Education, Federal Judicial Center (1998)

Commendation for Service, American Bankruptcy Board of Certification (1998)

Honors and Awards, cont.

Fifty Most Influential Women Attorneys, National Law Journal (March 30, 1998)

Commendation for Outstanding Public Service, American College of Bankruptcy (March 14, 1998)

The Albert A. Sacks-Paul A. Freund Award for Teaching Excellence, Harvard Law School, June 1997

Top Bankruptcy Lawyers, Inaugural List, Turnarounds & Workouts, 1997

The Lindback Award for Distinguished Teaching, University of Pennsylvania, May, 1994

Fellow, American College of Bankruptcy, elected 1993

Finalist, *Distinguished Scholarly Publication Award* of the American Sociological Association, 1989-1992, for *As We Forgive Our Debtors*

Silver Gavel Award (for *THE FRAGILE MIDDLE CLASS*), American Bar Association, 1990.

Harvey Levin Award for Excellence in Teaching, University of Pennsylvania School of Law, 1989, 1992

L. Hart Wright Teaching Excellence Award, University of Michigan School of Law, 1986

Frankel Publication Award for Outstanding Writing, 1982

Outstanding Teacher Award, University of Houston Law Center, 1981

Competitive Grants

2001 Robert Wood Johnson Foundation, Research Grant for Empirical Study entitled *AMedical Bankruptcy: A Study of Financially Catastrophic Illness.*@

2001 Ford Foundation, Research Grant for Empirical Study entitled
AHomeownership and Financial Distress: The Interplay of Tax, Real Estate and
Bankruptcy Laws.@

1994- National Bankruptcy Conference, Research Grant for Empirical Study of
1998 Business Bankruptcy.

Competitive Grants, cont.

- 1993- National Conference of Bankruptcy Judges, Empirical Study of Business
1998 Bankruptcy.
- 1995 Scholar in Residence, Rockefeller Foundation, Bellagio, Italy.
- 1995- Small Business Administration, Research Grant for Empirical Study on
Small 1998 Business Failure.
- 1993 Moller Research Chair in Bankruptcy Law and Policy.
- 1992 Research Foundation, University of Pennsylvania.
- 1991 National Conference of Bankruptcy Judges, Empirical Study of Consumer
Debtors.
- 1988 Public Policy Research Initiative, University of Pennsylvania.
- 1987 John M. Olin Foundation, Institute for Law and Economics, University of
Pennsylvania.
- 1987 Policy Research Institute, Economic and Political Institutions Grant.
- 1986 American Bar Foundation, Meyer Research Grant.
- 1986 National Institute of Child Health and Human Development, HD #06160-
15.
- 1984- National Science Foundation, Grant No. SES 8310173.
1986 AConsumer Choices in Bankruptcy: Statutory Intentions and Statutory
Consequences.®
- 1985- Texas Bar Foundation, Grant for Research on Bankruptcy Demographics
Grant.
1986
- 1985 Policy Research Institute, Grant No. 30-3239-4850.
- 1980 M.D. Anderson Research Fellow.
- 1979 Research Initiation Grant, University of Houston.

Selected Professional Activities

Second Vice-President, Council of the American Law Institute; Executive Committee of Council, 1994-1995, 1998-present, Nominating Committee, 1995-present.

United States Adviser, Transnational Insolvency Project, American Law Institute, 1995-present.

Reporter/Adviser to the National Bankruptcy Review Commission, 1995-1997.

Federal Judicial Center Committee on Judicial Education, three terms by the appointment of Chief Justice Rehnquist, 1990-1999.

National Bankruptcy Conference, Executive Committee, 1993-1995.

Editorial Advisory Board, Little, Brown and Company, Law School Division, 1990-present.

Board of Trustees, American Bankruptcy Board of Certification, 1992-1996.

Board of Editors, American Bankruptcy Law Journal, 1989-92.

Chair, Legislation Committee, Debtor-Creditor Section, Association of American Law Schools, 1990-1993, Chair, Debtor-Creditor Section, 1989-90.

Adviser, German Government Task Force on Bankruptcy Reform, 1993.

Eastern District of Pennsylvania Bankruptcy Conference, Secretary and Steering Committee, 1990-1992.

Texas State Bar Advisory Commission on Legal Specialization, Charter Member, Board of Directors, 1986-87.

Proposal Reviewer, National Science Foundation, 1985-present.

Professional Development Committee, American Association of Law Schools, 1988-91.

Planning Committee, Association of American Law Schools Conference on Teaching Contract Law, 1989.

Chair, Association of American Law School Commercial Law Workshop, May-June 1984.

Chair, Commercial and Related Consumer Law Section, Association of American Law Schools, 1983-84.

Bar Memberships

New Jersey, Texas.